

Exhibit 18

Reply E-Mail from Defense Counsel to Exhibit 16

**From:** Anne VanderBroek [anne@vanderbroeklaw.com](mailto:anne@vanderbroeklaw.com)  
**Subject:** Re: Rule 26(f) Conference re; Werking v Werking  
**Date:** July 2, 2019 at 9:16 AM  
**To:** Miles Greengard [mgreengard@powersgreengard.com](mailto:mgreengard@powersgreengard.com)

AV

Miles,

I would still like to receive a ruling and my position on the matter is unchanged – *Aroma* is definitive on the “own use” requirement for statutory conversion. We still contend that destruction is not a use under the terms of the statute, and neither is finding an object objectionable. We believe that Judge Maloney will see similarly.

As far as discovery, we anticipate depositions as well as production and examination requests and interrogatories, but, as stated, will wait until a ruling from Judge Maloney before beginning discovery – as, if he rules in our favor, the case will be dismissed. I do not wish to drive up litigation costs for my clients’ unnecessarily.

Thanks,  
Anne

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**From:** Miles Greengard <[mgreengard@powersgreengard.com](mailto:mgreengard@powersgreengard.com)>  
**Date:** Monday, July 1, 2019 at 2:43 PM  
**To:** Anne VanderBroek <[anne@vanderbroeklaw.com](mailto:anne@vanderbroeklaw.com)>  
**Subject:** Rule 26(f) Conference re; Werking v Werking

Anne:

Just wanted to touch base on this again. When we had discussed this in May, you stated you wanted to wait for a ruling on your 12(b)(6) motion. I know that we’re still waiting for a ruling on your motion; but given that we haven’t received a ruling yet, we could ostensibly be waiting for months.

Have you reconsidered your position? I’m of the mindset that we may as well get the ball rolling -

I don't anticipate significant discovery outside of depositions of the three principals.

Let me know.

Thanks in advance.

Sincerely,

Miles Greengard  
Attorney

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